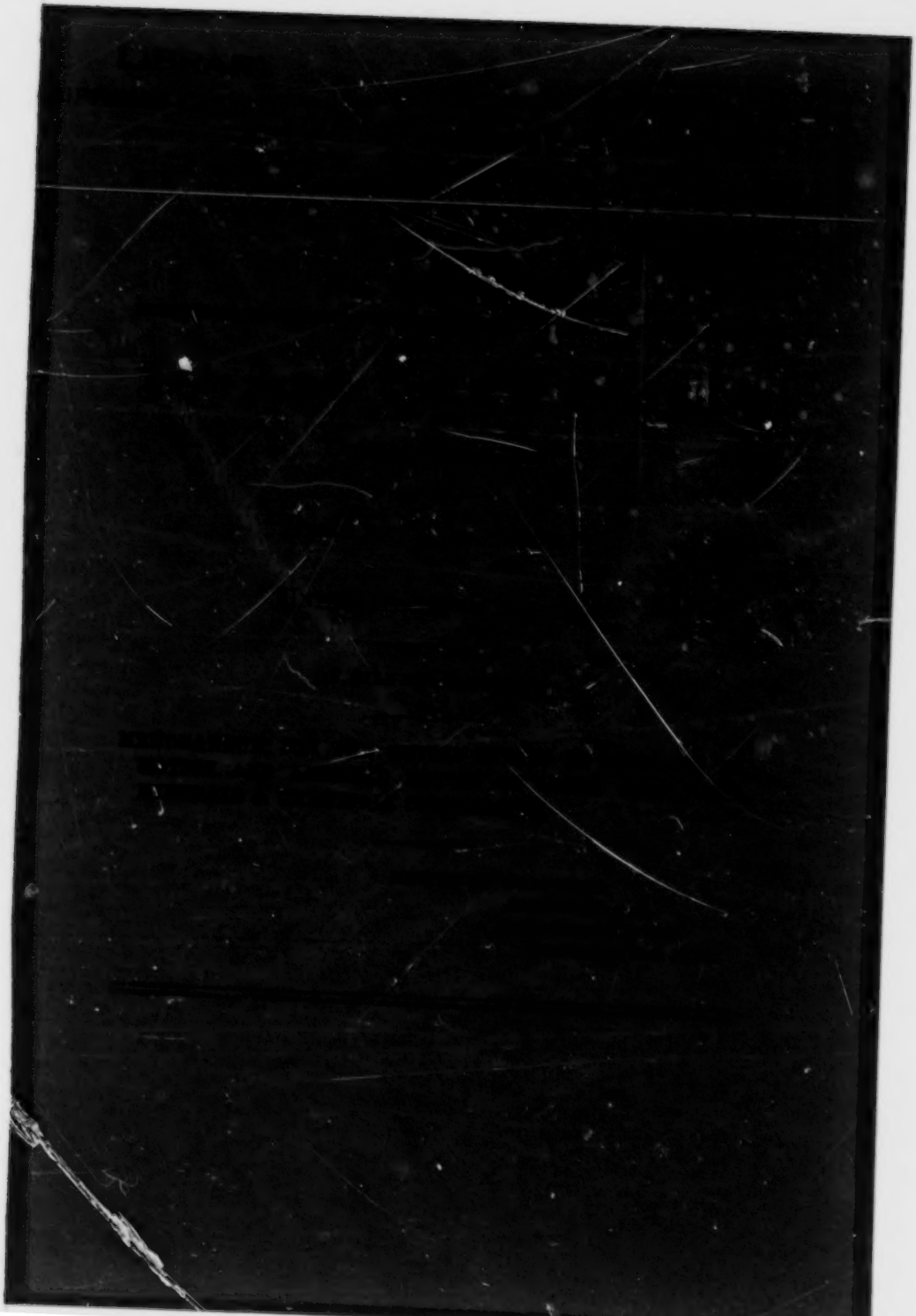

In the Supreme Court of the United States

OCTOBER TERM, 1967

No. 31, Original

STATE OF UTAH, PLAINTIFF

v.

UNITED STATES OF AMERICA

ON BILL OF COMPLAINT

MEMORANDUM FOR THE UNITED STATES IN RESPONSE TO MOTION AND AMENDED MOTION OF GREAT SALT LAKE MINERALS & CHEMICALS CORPORATION

The United States does not oppose the intervention of Great Salt Lake Minerals & Chemicals Corporation, whether as a plaintiff or a defendant, insofar as that company claims, as fee owner, lands below the meander line of the Great Salt Lake which are also claimed by the United States and the State of Utah. Although the tracts involved are relatively small, it appears that there are such adverse claims. To that extent, the mover is in the same position as Morton International, Inc., and is, in our view, likewise an indispensable party whose joinder would not defeat the Court's jurisdiction and whose claims do not constitute un-

291-461—68

consented suits against the State of Utah or the United States. See Memorandum for the United States filed in January, 1968, and Reply Memorandum for the United States filed in February, 1968.

On the other hand, the United States opposes the intervention of Great Salt Lake Minerals & Chemicals Corporation, insofar as it claims as a lessee from the State of Utah. The sole object of this suit is to determine the title of the United States to the lands of below the meander line of the Great Salt Lake and leasehold interests, derived from other claimants, cannot affect that question. Nor is it likely that the outcome of the title dispute between Utah and the United States will affect the mover, as lessee from the State, since the contemplation of the statute is that the State will become the fee owner of all the lands, upon appropriate payments to the United States, and presumably will be bound by its leases. At all events, it would seem that the State can be expected adequately to represent all those who hold lesser interests under it. In these circumstances, we believe the intervention of Utah's lessees would unnecessarily burden the litigation.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

FEBRUARY 1968.

U.S. GOVERNMENT PRINTING OFFICE: 1968